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Provo. River and Lake. Utah valley was selected by the pioneers for settlement principally because of the water supply. They had learned the importance of irrigation in growing crops in the arid region of Utah, and looking into the future, saw in the waters of Provo River abundant harvests. The lake, too, had its fish, and the lowlands surrounding it would furnish pasturage for horses and cattle.

In the desire to be in a position to easily avail themselves of the water, the first settlers located and built their fort on the south bank of the river in what is now known as the Fort field. They soon learned, however, that a mistake had been made: the ground in this particular place was too damp and cold. The following spring they moved farther east.

They were to learn, also, that while Provo River renders the most valuable service, it is capable at times of being very destructive. It overflowed its banks at times and destroyed the growing crops in the Fort field and vicinity. In December, 1854, eighty citizens petitioned the County Court for a grant to clear out the bed of Provo River that these floods might be prevented. The petition was "put under the table," or in more modern parlance not granted. The matter of dredging the river has been suggested many times since then but has never been acted on. In 1921, reclamation engineers, at the solicitation of the Provo Commercial Club, made an examination of the river with a view to determining the practicability of the dredging plan, and reported that the destructive overflows could be prevented by dredging and straightening the course of the channel. The approximate cost of the undertaking was placed at \$150,000. It was suggested that the amount be raised by bonds secured by the land to be benefitted, but no action was taken.

In June, 1872, Provo Canyon bridge was washed away, and the same year it was necessary to do a hundred days work to protect the county bridge across the river. Even after this work had been done it became necessary on the night of June 17 to arouse the citizens by ringing the meeting

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2-Provo

house bell to come out and secure the north abutment of the bridge. Similar dangers have occurred at various times since that date.

Irrigation farming was new to the pioneers, and presented many problems. How much water to use, when to begin and how often to irrigate, and other questions had to be answered by experience. The tendency at first was to use too much water, but gradually the farmers learned that less water and more cultivation secured the best results.

The amount of land that could be irrigated by Provo river was at first looked upon as being quite limited, but gradually more acreage has been brought under cultivation until the waters of Provo river are now carried into Salt Lake Valley. The first land to be farmed was that within easy reach of the river. The Turner ditch and the East Union Canal were dug in 1850. In 1868 work was begun on the Provo Bench Canal; and in 1874 the Second East Union Ditch Company (now known as the Upper East Union Canal Company) was organized and a canal constructed in the northeastern part of the settlement. W. Wallin, John G. Jones, and Robert T. Thomas were prime movers in effecting the organization. So far there had been no serious controversy over water, but when Midway in Provo Valley constructed a canal and began taking water from the river in 1879 an objection was raised. It was contended that Provo City was already short of water, and the supply should not be further reduced. However, Midway got the water, and Provo Valley since that time has continued to take more and more water from the river notwithstanding the objections of Provo City. But the lower valley has not suffered therefrom; in fact, it has derived benefit as the water taken out on the higher level in the spring and early summer when water is plentiful has to a large extent seeped back into the river and increased the flow later in the season when water is not so plentiful.

In 1884 a tentative agreement was reached by the various canal companies in Utah Valley drawing water from Provo River in which Provo was given four-tenths of the stream. The agreement did not prove perman-

3-Provo

ently satisfactory, and in 1894, Provo City began a suit against the various canal companies to have the water rights of the river adjudicated. The case, however, was not brought to trial.

But in 1902 a water case was tried before Judge C. W. Morse in the District Court in which Provo City, a municipal corporation; the Provo Bench Canal and Irrigation Company; the Upper East Union Irrigation Company; the Timpanogos Canal Company; and a large number of individual water users were plaintiffs, and the West Union Canal Company and many individuals were defendants. The decree provided that during the high water stage of Provo River, "each of the parties to this action is entitled to sufficient thereof to supply their reasonable necessities without regulation or control as between themselves." When the water should be reduced below the amount of the full carrying capacity of the various ditches and canals, but exceeding 15,000 cubic feet per minute as measured at the mouth of Provo Canyon, the distribution was to be as follows: Provo City, S. S. Cluff, and Sarah Dixon, jointly and undivided, .3525; Provo Bench Canal and Irrigation Company, .2295; West Union Canal Company and Smith Ditch Company, .1175; and smaller amounts to other litigants. When the flow of water should be between 12,000 and 15,000 cubic feet per minute, the distribution was changed as follows: Provo City, S. S. Cluff, and Sarah D. Dixon, .3895; Provo Bench Canal and Irrigation Company, .2295; West Union Canal Company and Smith Ditch Company, .1175; etc. A commissioner was to be appointed by the judge of the District Court to make distribution of water.

The appearance of new waterusers, including the Telluride Power Company and the appropriation of a number of springs in Provo Canyon by Provo City to supply water for the city mains necessitated in 1907, further litigation. The case was heard in the Fourth District Court by Judge John F. Chidester. In his findings Judge Chidester divided the waters of Provo River into two classes, "A" and "B" respectively. Class "A" included all waters of the river when the flow had decreased to not more than 17,467 cubic feet

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4-Provo

per minute; and Class "B", all waters in excess of that amount. Of the Class "A" waters 17,000 feet went to the older users of water except that the Blue Cliff Canal was given two cubic feet of water per minute from 6 p. m. on Saturday of each week until 6 a.m. of the succeeding Monday and from 6 p.m. to 6 a.m. of each day thereafter. When the water of the river should be less than 17,000 cubic feet per minute it was to be divided prorata. Of the "B" class water, the older users received 17,000-17,960 and the Blue Cliff Canal the remainder. By stipulation Provo City was to be given the spring water rising in a ravine above the Telluride Power Company flume known as the South Guard Quarters springs, and all the springs arising in Provo Canyon below the Telluride Power Company's flume grade and down the Provo River from the county bridge near the Bridal Veil Falls. The Telluride Power Company was given the right to use the water of the river for power purposes, and to the use for domestic purposes of the springs arising on the property on which the upper power station is situated.

In 1909 Joseph R. Murdock of Heber, Wasatch County, and others organized the Provo Reservoir Company, which was to prove an important factor in enhancing the irrigation usefulness of Provo River. The company secured possession of a number of springs in Provo Canyon and the property and water rights of the Blue Cliff Canal, and under amended irrigation laws of the State made application to appropriate a portion of the unappropriated waters of Provo River. As the company found that a great quantity of water flowed through canals and ditches into Utah Lake it contended that such water was not in use for irrigation purposes and was subject to appropriation. Provo City and the majority of the old irrigation companies would not accept this point of view, and refused to arbitrate the matter.

Accordingly the Provo Reservoir Company planted suit in the Fourth District Court against "All other water users on Provo River." The matter came to trial before Judge C. W. Morse in June, 1916, and was stubbornly contested. Citizens of Provo felt incensed at the effort of the company

5-Provo

to secure a part of the water appropriated for its system of waterworks.

So many interests were involved and so many measurements had to be taken that the final decree was not handed down until May 2, 1921. It is a voluminous document covering 94 large pages of type-written matter. The following is a brief summary:

"The subject matter of the litigation in this action is the right to the use of the waters of Provo River including its tributaries, springs, seepage and percolating waters, and waters issuing from the Ontario Drain tunnel and flowing to the Provo River, water diverted from the Weber River to the Provo River; and embraces a portion of the Weber River water shed in Summit County, all of the water shed of the Provo River in Utah County and Summit County, and all of the water shed of the Provo River in Wasatch County, excepting a portion of Round Valley Creek, and all of Daniels Creek, Center Creek, Lake Creek, and Bench Creek, and certain springs north of Heber City, viz: McDonald Spring, London Spring, and Sessions Spring.*****"

"The head of Provo River is seventy miles distant from its mouth on Utah Lake. In this distance the river passes through a succession of valleys separated from each other by narrow canyons. These valleys contain large tracts of cultivated land.***"

"The river has its source in a number of small lakes, among which the most important are Washington Lake, Trial Lake, and Wall Lake. The river is augmented along its course by numerous tributaries, springs, and seepage waters from the irrigated lands.*****"

"The diversion of large quantities of its waters for the irrigation of lands along its course and the return of a portion of such water in the form of seepage and springs has produced a more uniform discharge volume than formerly. For a number of years past there has been an average flow to the Utah Valley in the months of July, August, and September greatly in excess of the quantity of flow to Utah Valley at the time of former adjudications.*****"

The Provo Reservoir Company has accomplished a great work. It first turned water through its canal in 1910, and since that time has made steady progress until at the present time some 15,000 acres in the northern part of Utah Valley and the south end of Salt Lake Valley have been brought under cultivation. More than nine hundred farmers are interested in the enterprise.

The canal heads on the river about a mile above the mouth of Provo Canyon. From the canyon it runs northward through Utah Valley, skirting the foothills to the Jordan Narrows near the point of the mountain. Here the canal crosses the Jordan River in a 48-inch concrete and 40-inch steel pipe. On the west side of the river the water is released from the pipe and discharged into two canals, one branch running south into Utah County, a distance of about eight miles, and the other branch running north into Salt Lake County to a point west of Murray. To secure an adequate supply of water the company has constructed storage reservoirs at the head of Provo River. It has also put in a pumping plant at the Jordan Narrows with two units in operation, one of ten and another of twenty second-foot capacity. The pumps are operated during the low water season, the water being raised a height of 270 feet. Further improvements for the purpose of bringing an additional acreage under cultivation are contemplated.

According to the agreement between the company and the farmers, the company had absolute control of the canal for ten years. At the end of that period-1921-a temporary association of the waterusers was organized, which has recently been made permanent.

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